

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

5           I believe I am the original, first and sole inventor  
(if only one name is listed below) or an original, first and  
joint inventor (if plural names are listed below) of the  
subject matter which is claimed and for which a patent is  
sought on the invention entitled APPARATUS AND METHOD FOR  
10       MANIPULATING TISSUE (Attorney's Docket No. LIDDICOHN-123),  
the specification of which is attached hereto.

I hereby state that I have reviewed and understand the  
contents of the above-identified specification, including  
the claims.

15           I acknowledge the duty to disclose information which is  
material to the examination of this application in  
accordance with Title 37, Code of Federal Regulations,  
Section 1.56(a).

20           I hereby claim priority benefits under Title 35, United  
States Code, Section 119(e), of:

(1) pending prior U.S. Provisional Patent Application  
Serial No. 60/429,568, filed 11/29/02 by John R. Liddicoat

et al. for TISSUE MANIPULATING METHODS AND DEVICES

(Attorney's Docket No. LIDDICOHN-1 PROV);

(2) pending prior U.S. Provisional Patent Application  
Serial No. 60/453,294, filed 03/11/03 by John R. Liddicoat

5 et al. for TISSUE MANIPULATING METHODS AND DEVICES

(Attorney's Docket No. LIDDICOHN-2 PROV); and

(3) pending prior U.S. Provisional Patent Application  
Serial No. 60/458,128, filed 03/27/03 by John R. Liddicoat

et al. for TISSUE MANIPULATING METHODS AND DEVICES

10 (Attorney's Docket No. LIDDICOHN-3 PROV).

I hereby appoint Pandiscio & Pandiscio, a firm composed  
of Nicholas A. Pandiscio, Registration No. 17,293, Mark J.  
Pandiscio, Registration No. 30,883, Scott R. Foster,  
Registration No. 20,570, and James A. Sheridan, Registration  
15 No. 43,114, or any of them, of 470 Totten Pond Road,  
Waltham, Massachusetts 02451, (Telephone No. 781-290-0060),  
my attorneys with full power of substitution and revocation,  
to prosecute this application and to transact all business  
in the Patent Office connected therewith.

20 Please direct all correspondence in this matter to

Mark J. Pandiscio

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel.: 781 290 0060  
Fax.: 781 290 4840

5 Please direct all telephone calls to:

Mark J. Pandiscio or  
Nicholas A. Pandiscio

I hereby declare that all statements made herein of my  
own knowledge are true and that all statements made on  
10 information and belief are believed to be true; and further  
that these statements were made with the knowledge that  
willful false statements and the like so made are punishable  
by fine or imprisonment, or both, under Section 1001 of  
Title 18 of the United States Code and that such willful  
15 false statements may jeopardize the validity of the  
application or any patent issued thereon.

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Inventor's signature: \_\_\_\_\_

Inventor's full name: John R. Liddicoat

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Post Office Address: Same

Citizenship: USA

10 Inventor's signature: \_\_\_\_\_

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LIDDICOHN-123